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ARIZONA CORPORATION COMMISSION
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PIERCE PROPOSED AMENDMENT # 1

DATE PREPARED: August 25, 2009

Arizona Corporation Commission

DOCKETED

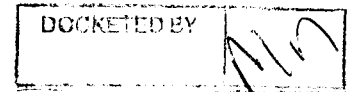
AUG 26 2009

COMPANY: SolarCity Corporation

DOCKET NOS: E-20690A-09-0346

OPEN MEETING DATES: August 25-26, 2008

AGENDA ITEM: U-24



Page 12, Line 16

INSERT the following:

SolarCity Exceptions

SolarCity filed exceptions to the Recommended Order on August 21, 2009, in which it asked the Commission to abstain from ruling on the Coronado High School Solar Service Agreement at this time. We will accommodate SolarCity's request and limit our order to the Desert Mountain High School Solar Service Agreement. If SolarCity subsequently wants the Commission to issue an order on the Coronado High School Solar Service Agreement, it shall file a request for an order, and Commission Staff will then provide the Commission with a Recommended Order for consideration during a subsequent open meeting of the Commission.

Page 12, Line 17

DELETE line 17 through page 13, line 7.

INSERT the following:

"1. The Commission, having reviewed the Application and Staff's Memorandum dated August 14, 2009, concludes that it is in the public interest to extend preliminary relief to Solar City and Desert Mountain High School while determination of whether Solar City is a public service corporation remains open pending future determination of that issue in Track 2 in this Docket.

2. The Commission's findings in this Track 1 are made without prejudice to the Applicant's and other parties' positions or arguments to be presented in Track 2 of this Docket.

3. If the Applicant's request in Track 2 of these proceedings is granted, and it is ultimately determined that SolarCity is not acting as a Public Service Corporation when it enters into SSAs with schools, non-profits and governmental entities; then this Order will be void and of no further effect.

4. If the Applicant's request in Track 2 of these proceedings is denied, and it is ultimately determined that SolarCity is acting as a Public Service Corporation when it enters into SSAs with schools, non-profits and governmental entities; then the Commission's approval of the Desert Mountain High School Solar Service Agreement as special contracts herein shall survive that determination.

ORDER

IT IS THEREFORE ORDERED that the rates proposed in the Solar Service Agreements between SolarCity and Scottsdale Unified School District for photovoltaic projects at Desert Mountain High School be and hereby are approved as special contract rates as discussed herein.

IT IS FURTHER ORDERED that a rate of \$0.11 per kWh for the Desert Mountain High School Solar Service Agreement be approved and that this rate may be adjusted down or it may be adjusted up to a maximum of \$0.1424 per kWh, pursuant to the Solar Service Agreement's rebate-variance provision."

Conforming changes.